

DAC/IFW A

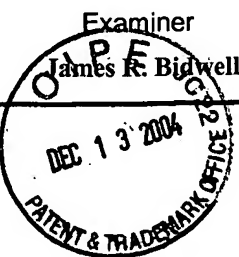
**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
**ETH-1437 CON (8920ZYXAZ)**

In Re Application Of: **David D. Demarest, et al.**

| Application No. | Filing Date     | Examiner         | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-----------------|------------------|--------------|----------------|------------------|
| 10/644,665      | August 20, 2003 | James R. Bidwell | 23389        | 3651           | 6443             |

Invention: **NEEDLE SORTING DEVICE**



Attention: Office of Petitions  
Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTE:** If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

**NOTE:** A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

12/14/2004 GWORDDOF1 00000034 10644665

1. ☒ A proposed reply to the above-identified notice or action:

01 FC:1453

1500.00 OP

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: Amendment and Terminal Disclaimer

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

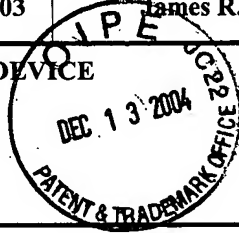
**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
**ETH-1437 CON (8920ZYXAZ)**

In Re Application Of: **David D. Demarest, et al.**

| Application No. | Filing Date     | Examiner         | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-----------------|------------------|--------------|----------------|------------------|
| 10/644,665      | August 20, 2003 | James R. Bidwell | 23389        | 3651           | 6443             |

Invention: **NEEDLE SORTING DEVICE**



**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:          | <u>\$1,500.00</u>           |
| 7. <input type="checkbox"/> Fee for amendment in the amount of:                                     | <u>                    </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>                    </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:                    | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                              | <u>                    </u> |
| 12. <input type="checkbox"/> _____  | <u>                    </u> |
| <b>Total fees enclosed: <u>\$1,500.00</u></b>   |                             |

The fee of **\$1,500** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-1013/SSMP**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

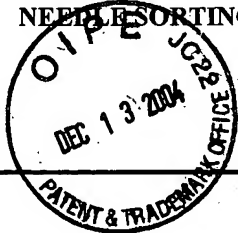
**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
**ETH-1437 CON (8920ZYXAZ)**

In Re Application Of: **David D. Demarest, et al.**

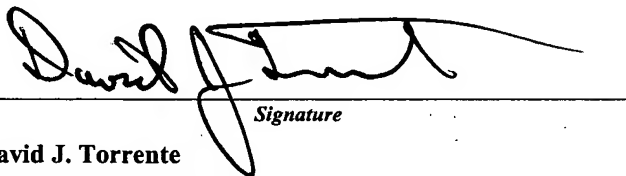
|                                      |                                       |                                     |                              |                               |                                 |
|--------------------------------------|---------------------------------------|-------------------------------------|------------------------------|-------------------------------|---------------------------------|
| Application No.<br><b>10/644,665</b> | Filing Date<br><b>August 20, 2003</b> | Examiner<br><b>James R. Bidwell</b> | Customer No.<br><b>23389</b> | Group Art Unit<br><b>3651</b> | Confirmation No.<br><b>6443</b> |
|--------------------------------------|---------------------------------------|-------------------------------------|------------------------------|-------------------------------|---------------------------------|

Invention: **NEEDLE SORTING DEVICE**



**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

  
*Signature*

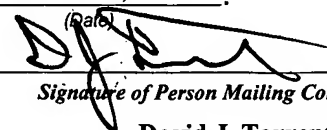
**David J. Torrente**  
Registration No. 49,099

**SCULLY, SCOTT, MURPHY & PRESSER**  
400 Garden City Plaza - Ste. 300  
Garden City, NY 11530  
(516) 742-4343

Dated: **December 10, 2004**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**December 10, 2004**

  
*Signature of Person Mailing Correspondence*

**David J. Torrente**

*Typed or Printed Name of Person Mailing Correspondence*

DJT:nf

cc: